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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/365,426	08/02/1999	PETER HARTMAIER	51410-P013US	1765
27517	7590	05/18/2005	EXAMINER	
FULBRIGHT & JAWORSKI L.L.P. 2200 ROSS AVENUE SUITE 2800 DALLAS, TX 75201			FELTEN, DANIEL S	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/365,426

Applicant(s)

HARTMAIER, PETER

Examiner

Daniel S Felten

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-14, 23, 29-32 and 34-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-14, 23, 29-32 and 34-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Arguments presented in the Appeals Brief filed November 10, 2004 regarding the consideration of the After Final Amendment filed January 13, 2004 are persuasive. Prosecution on the merits of this application is hereby RE-OPENED. Claims 12-14, 23, 29-32 and 34-40 remain pending in the application and are presented to be examined upon their merits.

2. The objection to pending claims 29-32, as being dependent upon a rejected base claim as indicated in the Office Action dated June 5, 2002 is withdrawn being that the After-Final filed January 13, 2004 has these claims re-written in independent form.

Allowable Subject Matter

3. The indicated allowability of claims 15, 23 and 34-40 is withdrawn in view of the newly discovered reference(s) that read on claims 15, 34-40 wherein there is receiving of real-time data from a bank related to a replenishment transaction as set for in the reasons for allowance indicated in the June 05, 2002 Office Action. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 29-34, 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite the word, "substantially", one of ordinary skill in the art at the time of the invention would not be able to understand from the specification the metes and bounds of what this term means.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12-14, 23, 29-32 and 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taskett (WO/25237, "T237" and WO 97/04579, "T579") in view of Hanson (WO 98/34393).

T237 discloses,

As set forth in claims 29-32 and 34-40, a method of providing prepaid account services to consumers (see T237, Abstract),

assigning prepaid accounts to said consumers (see T237, issuing a transaction card with an a unique authorization account code 142-- see fig 2, Abstract and page 7, line 17 to at least page 8 , line 2),

communicating with a service provider network/host computer regarding consumer replenishment transactions (see T237, fig. 6, block 610--recharge account and block 610--prompt selection from menu, also at least page 15, lines 5-6),

wherein said communicating with the network step further comprises the steps of: receiving transaction messages following individual replenishment transactions by said consumers; and sending a message indicating the disbursement of funds associated with said replenishment transactions (610--prompt selection from menu---next appropriate action... indicates that the replenishment transaction has been made, also at least page 15, lines 5-6),

communicating with a prepaid engine regarding said consumer replenishment transactions (see T237, fig. 7, Block 710-prompt caller to recharge account).

T237 fails to disclose,

as set forth in claims 29-32, receiving a reconciliation message summarizing individual transactions that occurred during a certain period, and reconciling said individual transactions.

T579 discloses,

receiving a reconciliation message (see T579, at least page 4, lines 9-12 and lines 19-23). In view of the teaching of T579, it would have been obvious for an artisan of ordinary skill in the art at the time of the invention to employ the notoriously old and well known method of generating and transmitting summary transaction data, as taught by T579 into the T237 system, because it would have been an obvious extension to the T237 teaching of checking the account balance of an calling card/transaction card, and/or regenerating a calling card/phone card

account from the user menu options. The transaction summary data would provide the consumer with an obvious alternative method of checking the account balance or regeneration transaction by visually reviewing any kind of transaction data/history stored by the host computer/service provider network.

Thus such a modification would be an obvious expedient to one of ordinary skill in the art.

T237 fails to disclose,

as in claims 29-32, communicating with a service banking network/host computer regarding consumer replenishment transactions.

T579 teaches,

an Automated Teller Machine as a device in which to use the prepaid instrument/prepaid transaction card (see page 6, line 1 +). Since ATMS are conventionally associated with a banking/financial network, it would have been obvious for an artisan of ordinary skill at the time of the invention of T237 to substitute the A'IM/financial network of T579 for the Service provider network of T237 because an artisan at the time of the invention would recognize that the ATM/financial network would be a alternative source for financial data retrieval and replenishment, being an art recognized equivalent to the 1237 service provider network, inasmuch as financial data can be stored and retrieved from both devices. Thus such a

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modification would have been an obvious matter of design choice to one of ordinary skill in the art.

T237 fails to disclose,

associating said prepaid accounts with wireless telephones.

Hanson discloses,

Associating said prepaid accounts with wireless telephones (see Hanson page 3, lines 32+) since both T237 and T579 are associated with prepaid phone card accounts, it would have been obvious for an artisan of ordinary skill at the time of the inventions of T237 and T579 to substitute the association of the wireless prepaid phone card account, as disclosed in Hanson, for the normal phone card account because an artisan at the time of the inventions would have recognized the modification/substitution of one account for the other as an art recognized equivalence inasmuch as both have similar uses to provide users with the ability to pay for calls (local or distant calls) via the provided system and thus an obvious expedient to one of ordinary skill in the art.

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T237 fails to disclose

As in claims 23, 29, verifying location information associated with received transaction messages, wherein said location identification information identifies authorized replenishment locations; and processing replenishment transactions

Hanson also discloses

As in claims 23 and 29, verifying location information associated with received transaction messages, wherein said location identification information identifies authorized replenishment locations (see Hanson fig. 2, lines 22+). Since T237 apparently is associated with adding funds to a prepaid remote account (see Abstract), an artisan would be motivated to identify authorized locations to replenish funds. Thus such modification of T237 by Hanson would be an obvious extension to the teachings of Hanson for customer's convenience.

T237 fails to disclose

As in claim, 30, verifying that permanent account numbers have been activated.

Re in claim 31:

It is conventional in banking systems and other networking system that verification in the system to detect against transaction duplication that would be made if someone was going make a fraudulent or erroneous transaction. Therefore Official Notice is taken of transaction identifiers used for the purpose of determining if the transaction messages are not duplicates because such

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a notoriously old and well known practice would be an obvious extension to the aforementioned prior art to Thus to employ transaction identifiers associated with received transaction messages are not duplicates

Hanson also discloses

As in claim 32, identifying transactions messages that are in variance with information contained in said reconciliation message; and logging said identified transaction messages in an exception file (see Abstract; and page 6, lines 31+). It would have been obvious for one of ordinary skill in the art to provide a file history (or log), because such a modification would allow the system to track large amounts of information about various customers and keep proper records of the information. Thus such a modification would be an obvious expedient to one ordinary skill in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S Felten whose telephone number is (703) 305-0724. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DSF
May 12, 2005

Daniel S Felten
Examiner
Art Unit 3624



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